

"Additional Requirements" section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005

Office of Special Education and Rehabilitative Services; Overview Information; Personnel Preparation To Improve Services and Results for Children With Disabilities

Combined Priority for Personnel Preparation; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005 ; Additional Requirements ("Additional Requirements" section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005).

Sec. A. Purpose

Sec. B. Definitions that apply to this program

FY 2005 Requirements

Office of Special Education and Rehabilitative Services; Overview Information; Personnel Preparation To Improve Services and Results for Children With Disabilities Combined Priority for Personnel Preparation; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005 (Requirements), 70 Fed. Reg. 15299 (2005) (to be codified at 34 C.F.R. § 304)

Sec. A Purpose

Individuals who receive scholarship assistance from projects funded under the Special Education Personnel Development to Improve Services and Results for Children with Disabilities program are required to complete a service obligation, or repay all or part of the costs of such assistance, in accordance with section 662(h) of IDEA and the requirements set forth in this Additional Requirements section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005.

Sec. B. Definitions

Academic year means (1) A full-time course of study- (i) Taken for a period totaling at least nine months; or (ii) Taken for the equivalent of at least two semester, two trimesters, or three quarters; or (2) For a part-time scholar, the accumulation of periods of part-time courses of study that is equivalent to an academic year under paragraph (a) (1) of this definition.

Early intervention services means early intervention services as defined in section 632(4) of IDEA.

Full-time, for purposes of determining whether an individual is employed full-time in accordance with Sec. F (All references to Sec. refer to sections in this Additional Requirements section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005), means a full-time position as defined by the individual's employer or by the agencies served by the individual.

Related services means related services as defined in section 602(26) of IDEA.

Repayment means monetary reimbursement of scholarship assistance in lieu of completion of a service obligation.

Scholar means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance.

Scholarship means financial assistance to a scholar for training under the program and includes all disbursements or credits for tuition, fees, stipends, books, and travel in conjunction with training assignments.

Service obligation means a scholar's employment obligation, as described in section 662(h) of IDEA and Sec. F.

Special education means special education as defined in section 602(29) of IDEA.

Sec. C. Allowable Costs.

(a) Tuition and fees.

(b) Student stipends and books.

(c) Travel in conjunction with training assignments.

Sec. D. Requirements for grantees in disbursing scholarships.

(a) Ensure that the scholar (1) Is a citizen or national of the United States; (2) Is a permanent resident of (i) Puerto Rico, the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or (ii) The Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau (during the period in which these entities are eligible to receive an award under the program); or (3) Provides evidence for the U.S. Department of Homeland Security that the individual is (i) A lawful permanent resident of the United States; or (ii) In the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;

(b) Limit scholarship assistance to the amount by which the individuals cost of attendance at the institution exceeds the amount of grant assistance the scholar is to receive for the same academic year under [Title IV of the Higher Education Act](#); and

(c) Obtain a Certification of Eligibility for Federal Assistance from each scholar, as prescribed in 34 CFR 75.60, 75.61, and 75.62 .

Sec. E. Assurances that must be provided by grantee.

(a) Requirement for agreement. Prior to granting a scholarship, the grantee will enter into a written agreement with each scholar that contains the terms and conditions required by Sec. F, explains the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to Sec. G, and provides the current Department address.

(b) Standards for satisfactory progress. The grantee must establish, notify students of, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study.

(c) Exit certification. The grantee must establish policies and procedures for receiving written certification from scholars at the time of exit from the program that identifies (1) The number of years the scholar needs to work to satisfy the work requirements in Sec. F(d). (2) The total amount of scholarship assistance received subject to Sec. F. (3) The time period, consistent with Sec. F(f)(1), during which the scholar must satisfy the work requirements. (4) As applicable, all other obligations of the scholar under Sec. F.

(d) Information. The grantee must provide the Secretary information, including records maintained under paragraph (c) of this Sec. E, that is necessary to carry out the Secretary's functions under this Additional Requirements section.

(e) Notification to the Secretary. If the grantee is aware that the scholar has chosen not to fulfill or will be unable to fulfill the obligation under Sec. F (d), the grantee must notify the Secretary when the scholar exits the program.

Sec. F. Requirements for scholars

(a) Training. Receive the training at the educational institution or agency designated in the scholarship;

(b) Educational allowances. Not accept payment of educational allowances from any other entity if that allowance conflicts with the scholar's obligation under this Additional Requirements section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005;

(c) Satisfactory progress. Maintain satisfactory progress toward the degree, certificate, endorsement, or license as determined by the grantee;

(d) Service obligation. Upon exiting the training program under paragraph (a) of this Sec. F, subsequently maintain employment (1) On a full-time or full-time equivalent basis; and (2) For a period of at least two years for every academic year for which assistance was received.

(e) Eligible employment. In order to meet the requirements of paragraph (d) of this Sec. F for any project funded under section 662 of IDEA, be employed in a position in which (1) A majority of the persons to whom the individual provides services are receiving special education, related services, or early intervention services from the individual; (2) The individual spends a majority of his or her time

providing special education or related services to children with disabilities or early intervention services to infants and toddlers with disabilities; (3) If the position is supervisory, including principals, the individual spends a majority of his or her time employed in a position performing work related to the individuals preparation under section 662 of IDEA by providing one or both of the following: (i) Special education or related services to children with disabilities or early intervention services to infants and toddlers with disabilities; and (ii) Supervision to others on issues directly related to special education or related services for children with disabilities or early intervention services for infants and toddlers; (4) If the position is postsecondary faculty, the individual spends a majority of his or her time performing work related to the individuals preparation under section 662 of IDEA by preparing special education teachers and related services personnel to provide services to improve results for children with disabilities, including early intervention, educational, and transitional services; or (5) If the position is in research, the individual spends a majority of his or her time performing research related to the individuals preparation under section 662 of IDEA that focuses on improving results for children with disabilities, including early intervention, educational, and transitional services.

(f) Time period. Meet the service obligation under paragraph (d) of this Sec. F as follows: (1) Complete the service obligation within the period ending not more than the sum of the number of years required in paragraph (d)(2) of this Sec. F, as appropriate, plus three additional years, from the date the recipient completes the training for which the scholarship assistance was awarded. (2) Obtain employment subsequent to the completion of one academic year of the training for which the scholarship assistance was received that otherwise meets the requirements of Sec. F(f)(1).

(g) Part-time scholars. Meet the service obligation in this Sec. F, as applied to a part-time scholar, based on the accumulated academic years of training for which the scholarship is received.

(h) Information upon exit. Provide the grantee all requested information necessary for the grantee to meet the exit certification requirements under Sec. E(c).

(i) Information after exit. Within 60 days after exiting the program, and as necessary thereafter for any changes, provide the Department all information the Secretary needs to monitor the scholars service obligation under this Sec. F, including social security number, address, employment setting, and employment status, via U.S. mail at the following address: Office of Special Education Programs, Research to Practice Division, Service Obligation Coordinator, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 202022600.

(j) Repayment. If not fulfilling the requirements in this Sec. F, subject to the provisions in Sec. G regarding a deferral or exception, repay any scholarship received, plus interest, in an amount proportional to the service obligation not completed as follows: (1) The Secretary charges the scholar interest on the unpaid balance owed in accordance with 31 U.S.C. 3717. (2)(i) Interest on the unpaid balance accrues from the date the scholar is determined to have entered repayment status under paragraph (4) of this subsection (j). (ii) Any accrued interest is capitalized at the time the scholars repayment schedule is established. (iii) No interest is charged for the period of time during which repayment has been deferred under Sec. G. (3) Under the authority of 31 U.S.C. 3717, the Secretary may impose reasonable collection costs. (4) A scholar enters repayment status on the first day of the first calendar month after the earliest of the following dates, as applicable: (i) The date the scholar informs the grantee or the Secretary that the scholar does not plan to fulfill the service obligation under the agreement. (ii) Any date when the scholars failure to begin or maintain employment makes it impossible

for that individual to complete the service obligation within the number of years required in this Sec. F. (iii) Any date on which the scholar discontinues enrollment in the course of study under Sec. F(a). (5) The scholar must make payments to the Secretary that cover principal, interest, and collection costs according to a schedule established by the Secretary. (6) Any amount of the scholarship that has not been repaid pursuant to (1) through (5) of this paragraph will constitute a debt owed to the United States that may be collected by the Secretary in accordance with 34 CFR part 30.

Sec. G. Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

(a) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant an exception to the repayment requirement in Sec. F(j), in whole or part, if the scholar (1) Is unable to continue the course of study in Sec. F(j) or perform the service obligation because of a permanent disability; or (2) Has died.

(b) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant a deferral of the repayment requirement in Sec. F(j) during the time the scholar (1) Is engaging in a full-time course of study at an grantee; (2) Is serving on active duty as a member of the armed services of the United States; (3) Is serving as a volunteer under the [Peace Corps Act](#); or (4) Is serving as a full-time volunteer under Title I of the [Domestic Volunteer Service Act of 1973](#).

Waiver of Proposed Rulemaking.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. [Section 681\(d\) of IDEA](#) makes the public comment requirements of the APA inapplicable to the priority in this notice. With Respect to the Additional Requirements, section 437(d)(1) of the General Education Provisions Act exempts from the APAs notice and comment requirement rules that apply to the first competition under a new or substantially revised program authority. This is the first competition under section 662 of IDEA (the Personnel Development to Improve Services and Results for Children with Disabilities program), which was substantially revised by the Individuals with Disabilities Education Improvement Act of 2004. This Additional Requirements section of the Personnel Preparation To Improve Services and Results for Children With Disabilities--Combined and Leadership Priorities for Personnel Preparation notice published in the Federal Register on March 25, 2005 will apply to the FY 2005 grant competition only.